## BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

| BRIAN D. NOVAKOVICH,                   | )             |
|--|---------------|
| Claimant,                              | IC 01-010137  |
| v.                                     | ORDER         |
| J. H. KELLY, LLC,                      | )<br>)        |
| dba KELLY GROUP, LLC,                  | March 1, 2005 |
| Employer,                              | )<br>)        |
| and                                    | )<br>)        |
| LUMBERMENS MUTUAL<br>CASUALTY COMPANY, | )<br>)<br>)   |
| Surety,                                | )<br>)        |
| Defendants.                            | )<br>)        |
|  |               |

Pursuant to Idaho Code § 72-717, Referee Robert D. Barclay submitted the record in the above-entitled matter, together with his findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with the recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED That:

## ORDER - 1

| 1.   | Claimant is entitled to temporary total disability (TTD) benefits from April 21, 2002,  |  |
|--|---|--|
| through Janua  | ary 12, 2003.   |  |
| 2.   | Claimant is entitled to a permanent partial disability (PPD) rating of 35% of the       |  |
| whole person inclusive of his 10% of the whole person permanent partial impairment (PPI) rating. |   |  |
| 3.   | Claimant is not entitled to attorney fees pursuant to Idaho Code § 72-804.              |  |
| 4.   | Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to the issues |  |
| adjudicated.   |   |  |
| DATE   | ED This <u>1st</u> day of <u>March</u> , 2005.  |  |
|  | INDUSTRIAL COMMISSION   |  |
|  |   |  |
|  | /s/<br>Thomas E. Limbaugh, Chairman   |  |
|  | Thomas E. Limbaugh, Chairman  |  |
|  |   |  |
|  | James F. Kile, Commissioner   |  |
|  |   |  |
|  | <u>/s/</u>  |  |
|  | R. D. Maynard, Commissioner   |  |
| ATTEST:  |   |  |
|  |   |  |
| /s/<br>Assistant Con   | nmission Secretary  |  |
| Assistant Commission Secretary   |   |  |
| CERTIFICATE OF SERVICE   |   |  |
| I hereb  | by certify that on the <u>1st</u> day of <u>March</u> , 2005, a true and correct copy   |  |

of the foregoing **Order** was served by regular United States Mail upon each of the following:

MICHAEL J WALKER
DELAY CURRAN THOMPSON PONTAROLO & WALKER PS
601 W MAIN AVE
STE 1212
SPOKANE WA 99201-0684

GLENNA M CHRISTENSEN MOFFATT THOMAS BARRETT ROCK & FIELDS CRTD PO BOX 829 BOISE ID 83701-0829

| kkr | <u>/s/</u> |
|-----|------------|
|-----|------------|